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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

PATRICK BROWN

CIVIL ACTION NO. 04-0904-A

-vs-

JUDGE DRELL

LEROY HOLIDAY, et al.

MAGISTRATE JUDGE KIRK

R U L I N G

Before the Court is "Defendants' Second Motion to Dismiss for Failure to Prosecute Pursuant to FRCP Rule 41(b)" as supplemented, filed by Defendants, Bennett Book and Randall Eubanks. (Document Nos. 65 and 67.) The Court finds no need for oral argument. For the reasons set forth below, the motion will be GRANTED.

A review of the record in the captioned matter shows the pretrial conference, originally set for April 19, 2007 (Document No. 42) was rescheduled to December 13, 2007 at the request of Plaintiff, Patrick Brown. (Document No. 49.) This Court's Civil Case Management Order No. 2, outlining the proper procedures to be followed when preparing for a pretrial conference, was furnished to all counsel and to Plaintiff on July 10, 2007. (Document No. 50.)

By filings dated November 27, 2007 and November 30, 2007, respectively, counsel for these Defendants informed the Court that Plaintiff had failed to provide a draft of his proposed pretrial stipulations, as required, and they sought dismissal of Plaintiff's claims against them (Document Nos. 51 and 52). Given Plaintiff's *pro se* status during the December 13, 2007 pretrial conference, the Court granted Mr. Brown additional leeway, ordered that joint pretrial stipulations be filed on or before February 19, 2008 (Document No. 54), and denied the pending motion to dismiss (Document No. 55).

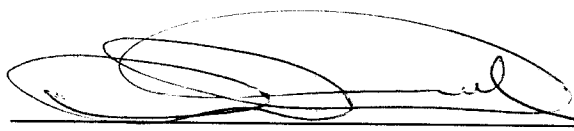
On February 13, 2008, two attorneys were allowed to enroll as counsel for Plaintiff. (Document Nos. 62 and 63.) However, to date, no pretrial inserts on behalf of Mr. Brown have been submitted. Defendants Book and Eubanks, through their attorneys, did file partial pretrial stipulations on February 19, 2008, along with documentation showing they requested (but did not receive) any contributions from Plaintiff or his counsel. (Document No. 64.)

These Defendants also submitted a *Proces Verbal* dated February 7, 2008 (Document No. 67-3), showing Plaintiff did not appear for his scheduled deposition.

Under these circumstances, the Court finds Plaintiff has failed to prosecute this action and has failed to comply with the orders of the Court. Accordingly, "Defendants' Second Motion to Dismiss for Failure to Prosecute Pursuant to FRCP Rule 41(b)" (Document No. 65) will be GRANTED, and Plaintiff's claims against

Defendants, Bennett Book and Randall Eubanks, will be DISMISSED WITHOUT PREJUDICE.

SIGNED on this 3rd day of March, 2008, at Alexandria, Louisiana.


A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

DEE D. DRELL
UNITED STATES DISTRICT JUDGE